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CITY OF GREENVILLE

POLICY NO: HR-44

DATE: November 18, 2010

SUBJECT: Wireless Communication Devices

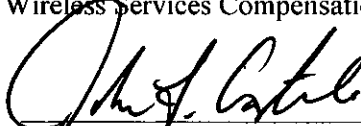
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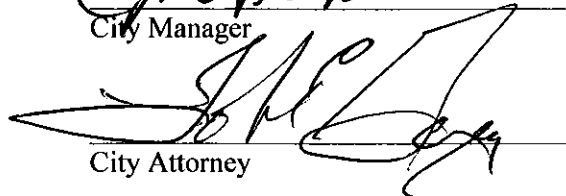
Exhibits:

- A. Request and Justification for City-Provided Wireless Communication Device
- B. Eligibility, Understanding, and Compliance with the City's Wireless Communication Device Policy
- C. Employee Wireless Services Compensation Agreement

APPROVALS:



City Manager



City Attorney



Human Resources Director

I. Purpose

This policy establishes the criteria for the management, assignment, and use of wireless communication devices which are owned by the City or used regularly in City business.

II. Applicability

Policy applies to all City employees who regularly use wireless communication devices to perform their essential job functions.

III. Definitions

- **Wireless Communication Device:** Handheld electronic devices with the ability to receive and/or transmit voice, text, or data messages without a cable connection. Typically referred to as a mobile phone, cell phone, Smartphone, Blackberry, Iphone, pager, etc. These devices are those that make or receive telephone calls, leave messages, send text messages, provide for two-way communication, browse the Internet, or download and allow for the reading of and responding to email.
- **Stipend:** A fixed amount of money paid monthly to compensate the business-related use of an employee-owned wireless communication device to the extent allowed under this policy.

IV. Policy

Conducting City business oftentimes requires regular contact with employees when they are away from their stationary work space and/or outside of normal business hours. In these circumstances, certain employees must have access to a wireless communication device to conduct City business. Mobile communications provided by wireless communication devices are essential elements in the overall operation and safety of the City.

V. Procedures

A. Eligibility for Wireless Communication Device

Employees receiving a City wireless communication device must meet at least one of the following criteria:

- Safety requirements indicate having a wireless communication device is an integral part of performing duties defined in an employee's job description.
- At least fifty percent (50%) of the employee's time is spent away from a stationary workspace and the employee is required to be contacted on a regular basis and needs to be readily available.
- Employee is required to be "on-call" outside of normal business hours to conduct City business.
- Employee is a Department Director.

The assignment and justification for employee wireless communication devices shall be the responsibility of an employee's Department Director.

In order to be eligible for a data device (Smartphone), an employee must meet the criteria listed above and be at least a division manager or the rank of police/fire captain. Exceptions to this policy will require a Department Director to provide written justification.

In determining the appropriate wireless communication device for an employee, the department shall consider the intended use of the device and budget availability. The availability and suitability of less costly communication devices (e.g. pagers, mobile radios) should also be considered. Furthermore, the issuance of multiple devices that provide redundant capabilities should be avoided (e.g. assigning both a text messaging pager and a cell phone to an employee).

There are two methods by which a wireless communication device may be provided to employees to conduct City business: assignment of a City-issued device or, in certain cases, the use of an employee-owned device with a stipend provided for business related use of the device.

B. Assignment of City-Issued Wireless Communication Devices

If employees are determined to be eligible for a wireless communication device, a City-owned device may be issued to them. The Department Director shall submit a **Request and Justification for City-Provided Wireless Communication Device** form (Exhibit A) to Fleet Services for processing and issuance of the device.

Employees with City-issued wireless communication devices are required to sign an **Eligibility, Understanding and Compliance with the City's Wireless Communication Device Policy** form (Exhibit B) prior to receiving their device. This form will be kept on file in Fleet Services.

All requests for additional equipment or service upgrades (such as going from a voice only device to a voice and data device) are to be submitted to Fleet Services for processing upon approval of the Department Director.

All wireless communication devices shall be issued to a specific user. No spare or un-assigned devices are allowed. However, on-call or rotating wireless devices may be assigned to a supervisor responsible for the assignment and use of the device.

Department Directors will be required to review the wireless communication device assignments for their departments on an annual basis. The review must be signed by the Department Director and submitted to the Office of Management and Budget (OMB) in conjunction with annual budget submissions each fiscal year.

The City reserves the right to revoke, change or suspend the assignment of a wireless communication device to an employee at any time without notice.

C. Personal Use of City-Issued Wireless Communication Devices

The City issues wireless communication devices to employees for whom it has been determined needs access to these devices to conduct City business. These devices are not intended for personal use. Therefore, excessive personal use of City-issued wireless communication devices is prohibited. The Department Director will be notified should it be determined that an employee has excessive personal use of a City-issued wireless communication device or has violated this policy in some other way. The Department Director will need to take appropriate disciplinary action as allowed for in Section I below.

Additionally, Department Directors may be notified if it is determined that an employee has only infrequent utilization of a device. Upon notification of a pattern of infrequent use, the Department Director should review the assignment of the wireless communication device and determine if the device is needed.

D. Employee-Owned Wireless Communication Device with Stipend

If it is determined that an employee is eligible for a wireless communication device, an employee-owned device may be used instead of a City- issued device, in certain situations. If an employee-owned device is used, the employee may receive a monthly stipend as a reimbursement for the business related use of the device. The amount of the monthly stipend will be established by OMB based on intended usage of the device and may be reviewed periodically in light of changes in the prevailing rates charged by service providers. The City reserves the right to revoke, change or suspend an employee's wireless communication device stipend at any time without notice. Under the federal tax law, the stipend will be treated as taxable income to the employee.

In the case of employee-owned data devices (Smartphones), there is no entitlement to connect with the City's computer system. The City reserves the authority to determine whether to allow or refuse a connection by an employee-owned device to the City's computer system.. The decision to permit a connection will be made on criteria which include, but are not limited to, the nature and essential functions of the employee's job requirements, the type of device, and the compatibility of the device and service provider's system with the City's system. Neither the use of an employee-owned device in City work nor a stipend is available for the following situations:

- Employees in public safety positions;
- City departments in need of a shared wireless device; and,
- For the purpose of testing new technology within CITS.

If an employee is determined to be eligible to receive a stipend for an employee-owned wireless communication device, the Department Director shall submit an **Employee Wireless Services Compensation Agreement** form (Exhibit C) to OMB for approval and processing. Employees receiving a stipend for an employee-owned

wireless communication device are expected to maintain a fully operational device available for their use. If it is determined that an employee receiving a stipend does not have a fully operational device available for use, the stipend will be suspended until it can be substantiated that such a device has been procured by the employee and is operational.

Technical support for employee-owned devices will be the responsibility of the employee and the employee's service provider. The employee is responsible for any contractual obligations associated with the wireless service as well replacements and upgrades to the wireless device.

Department Directors will be required to review the continued eligibility for employees who are issued a stipend for an employee-owned device on an annual basis. Each review must be signed by the Department Director and submitted to OMB in conjunction with annual budget submissions each fiscal year.

E. Wireless Communication Device Safety

Employees are prohibited from using a wireless communication device, whether City- issued or employee-owned, while driving in the course of performing City duties. This applies to employees driving a City-supplied vehicle, as well as employees driving a privately owned vehicle while conducting City business.

If necessary to use a wireless communication device while in transit, it is required that the employee stop the vehicle in a safe location so that you can safely use your wireless device. This prohibition includes receiving or placing calls, text messaging, browsing the Internet, receiving or responding to email, checking for messages, or any other purpose related to your employment; the City; our customers; our vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the City; or any other City or personally related activities not named herein while driving.

Employees are prohibited from using a wireless communication device while at any work site at which the operation of such device would be a distraction to the user and/or could create an unsafe work environment. Such work sites must be secured or the device used only by an employee who is out of harm's way at such work environments.

City emergency personnel, such as police and fire personnel, while in the course of their duties for the City, are exempt from the restrictions of this Subsection E regarding the use of cell phones or similar devices for voice communications while driving or on-site, but all other prohibitions shall apply.

F. Lost or Stolen Wireless Communication Devices

Employees in possession of City-issued wireless communication devices are expected to protect the equipment from loss, damage, or theft. Employees must report their device lost or stolen as soon as it is noticed that the device is unable to be found. They must notify their supervisor and Fleet Services at once. The City is not liable for the loss of employee-owned wireless communication devices.

At the discretion of the department head, employees that have a City issued device that is lost or damaged due to employee negligence may be responsible for replacing the device at their own expense based on replacement cost up to a maximum of \$100 per device. In the event that funds are not readily available, the employee will authorize the City to automatically deduct the cost of the device through payroll deduction.

G. Return of Wireless Communication Devices upon Employee Departure

On resignation or termination of employment, or at any time on request, an employee may be asked to produce a City-issued device for return or inspection. Any employee unable to present the device in good working condition within a reasonable time period may be expected to purchase a replacement. Employees who leave the City with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

H. Privacy of Communications

City-issued wireless communication devices are for the purposes of City business and there shall be no reasonable expectation of privacy on the part of employees regarding any use of such City-issued devices. The City reserves the right to check at random or for reasonable suspicion on the extent to which City-issued wireless communication devices are used for City related matters during employees' work hours.

I. Disciplinary Action

Employees who violate this policy will be subject to disciplinary actions, up to and including employment termination. Employees who have excessive personal use of City-issued devices for personal use, will be given a disciplinary a warning, be required to correct the violation (e.g., reimburse the City for personal and non-business charges or fees), and may be assessed a \$25.00 administration fee for each billing cycle the employee violated the policy. In addition, the employee risks having the right to use the device revoked, with additional disciplinary action at the discretion of the Department Director and Human Resources Director.

J. Responsibilities

1. Department Director:

- Communicate and ensure employee compliance with this policy.
- Ensure department budget can cover the cost of wireless communication devices.
- Avoid issuance of multiple devices that provide redundant capabilities.
- Annually review the wireless communication device assignments for their departments.
- Annually review the continued eligibility for employees who are issued a stipend for an employee-owned device.

- Submit approved Request and Justification for City-Provided Wireless Communication Device form to Fleet Services for processing and issuance of the device.
- Provide written justification for any exceptions to this policy.
- Suspend and employee wireless communication device stipend if not fully operational.
- Take appropriate disciplinary action.

2. Employee:

- Comply with this policy.
- Sign an Eligibility, Understanding and Compliance with the City's Wireless Communication Device Policy form prior to receiving a City wireless communication device.
- Maintain a fully operational device if receiving a stipend for an employee-owned wireless communication device.
- Only use City-issued wireless communication devices for City business purposes.
- Do not use City-issued or employee-owned wireless communication devices while driving in the course of performing City business.
- Do not use wireless communication devices while at any worksite if operation of such device is a distraction or creates an unsafe work environment.
- Protect City-issued wireless communication devices from loss, damage, or theft.
- Report their device lost or stolen as soon as it is noticed that the device is unable to be found
- Submit City-issued device for return or inspection as required.
- Pay any required replacement costs for lost or damaged wireless communication devices.



City of Greenville
Request and Justification Form for City-Provided Wireless
Communication Device

Date: _____

Job Title: _____

Employee: _____

Department / Division: _____

I am requesting that the City provide me with a wireless communication device as my job meets the following criteria:

_____ Safety requirements indicate having a wireless communication device is an integral part of performing duties defined in my job description

_____ At least fifty percent (50%) of my time is spent away from a stationary workspace and

_____ I am required to be contacted on a regular basis and need to be readily available

_____ I am required to be "on-call" outside of normal business hours to conduct City business

_____ I am a Department Director

Check one:

_____ I currently have a cell phone number I would like to have ported to my City device and the telephone number of device is: _____.

The carrier of the existing device is: _____.

The account number and PIN/PWD are: _____

_____ New device request

Type of device requested:

_____ Pager

_____ Voice device (cell phone)

_____ Voice and Data device (Smartphone) **

Require Push-to-talk? _____

Require Push-to-talk? _____

** Must be at least a Division Manager or Police/Fire Captain for a Voice and Data device

Signatures:

Employee

Date

Department Director

Date

Approved / Denied (Circle One)

Please provide departmental account # with approval: _____

If approved, route to Fleet Services; if denied, return to employee



City Of Greenville
Eligibility, Understanding and Compliance
with the City's Wireless Communication Device Policy

I have read, understand and will comply with the City's Wireless Communication Device Policy.

Please read and initial beside each statement:

_____ I certify that I am eligible and have been authorized to receive a City-issued wireless communication device meeting the requirements within the City's Wireless Communication Device policy.

_____ I understand and agree to use this device for conducting City business and that violation of this policy may result in reimbursement for personal charges, administrative fees, and disciplinary action as deemed appropriate by the Department Director and Human Resources.

_____ I acknowledge and agree that I am responsible for all activity pertaining to the device.

_____ I understand that before the end of my employment with the City I will be required to return this device in acceptable working condition before I will receive my final paycheck.

_____ I understand if the device is lost or stolen I will immediately report the loss to my supervisor/manager/department head and may be responsible for replacing the unit with my personal funds up to a maximum of \$100 per device. If these funds are not readily available to replace the unit, then I authorize the City to automatically deduct the cost of the unit through payroll deduction.

_____ I understand that employees are prohibited from using a wireless communication device, whether City-issued or employee-owned, while driving on City business.

_____ I understand City-issued wireless communication devices are for the purposes of City business and there shall be no reasonable expectation of privacy regarding any use of such City-issued devices.

Signed:

Employee's Signature

Date

Printed Name

Date



City of Greenville
Employee Wireless Services Compensation Agreement

Date: _____

Job Title: _____

Employee: _____

Department / Division: _____

I am eligible for a wireless communication device as my job meets the following criteria:

_____ Safety requirements indicate having a wireless communication device is an integral part of performing duties defined in my job description

_____ At least fifty percent (50%) of my time is spent away from a stationary workspace and I am required to be contacted on a regular basis and need to be readily available

_____ I am required to be "on-call" outside of normal business hours to conduct City business

_____ I am a Department Director

In lieu of the City issuing me a wireless communication device, I am requesting to use my personally owned wireless communication device and receive a monthly stipend to compensate me for the business-related use of my device.

Neither the use of an employee-owned wireless communication device in City work nor a stipend is available for Public Safety employees.

Monthly Stipend:	Bi-weekly amount:	Description:
\$42 standard voice usage (100-400 minutes)	\$19.38	Standard Voice Usage

The stipend amount is established by the Office of Management and Budget based on intended usage of a device and may be reviewed periodically in light of changes in the prevailing rates charged by service providers. Under federal tax law, the stipend will be treated as taxable income to the employee. The monthly stipend will be annualized and divided out over 26 pay periods.

Please read and initial beside each statement:

_____ I will maintain a fully operational wireless communication device available for use. If it is determined that I do not have a fully operational device available for use, the stipend will be suspended until it can be substantiated that I have procured such a device and that it is operational.

_____ I understand that the City is not responsible for providing technical support for my wireless communication device. That is the responsibility of me and my service provider.

_____ I am responsible for any contractual obligations associated with my wireless communications service as well replacements and upgrades to my wireless communications device.

_____ I understand that employees are prohibited from using a wireless communication device, whether City- issued or employee-owned, while driving in the course of performing City duties.

_____ I understand that the City is not liable for the loss of employee-owned wireless communication devices.

_____ I understand that the City reserves the right to revoke, change or suspend my wireless communication device stipend at any time without notice.

_____ I understand that under the federal tax law, my stipend will be treated as taxable income.

Signatures:

Employee

Date

Department Director

Date

Approved / Denied (Circle One)

Cell phone number: _____

Please provide departmental account # with approval: _____

If approved, route to Office of Management and Budget; if denied, return to employee.